



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : David J. Luneau et al.
Serial No. : 10/038,866
Filed : January 4, 2002
Title : TELEPHONE NETWORK MESSAGING

Art Unit : 2645
Examiner : Gerald Gauthier

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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REPLY TO ACTION DATED FEBRUARY 13, 2004

Pending claim 1 is the sole independent claim, and stands rejected under 35 U.S.C. § 103(a) as unpatentable over United States Patent No. 5,875,232 (Wolf) and United States Patent No. 6,509,833 (Tate). The remaining claims all depend, directly or indirectly from claim 1, and add additional features. Applicants respectfully traverse these rejections.

As pointed out in the Response filed November 19, 2003 ("the previous Response," Paper No. 9), and as the Examiner acknowledges at page 3 of the present Office action, the primary reference, Wolf, fails to disclose the features, recited in claim 1, of "setting up a non-associated telephone call to the recipient telephone number" and "providing a message code corresponding to the selected message." The "message code" "correspond[s] to the selected message, wherein the message code is in the format of a telephone number."

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These features are also absent from Tate, for at least the following three reasons.

First, contrary to the Examiner's statement at the bottom of page 3, there is nothing in Tate that indicates that the message code sent to the recipient telephone number is in the format of a telephone number. The examiner purports to find this feature of claim 1 at col. 8, lines 8-22 of Tate. However, this passage concerns the "alarm-message" that is sent from the "911-provider 30" to the "***central switch 10.***" Not only is the format of this alarm message not disclosed at all (let alone that it is in the format of a telephone number), but this passage is discussing the message sent to the central switch, not the recipient telephone number as in claim 1. Moreover, the next passage of Tate makes it clear that the actual (not simulated) telephone number of the 911-provider is used—again, by the central switch and not by the recipient telephone number—solely to verify the identity of the 911-provider, not as a code that in and of itself provides message information. (8:23-32.)

Second, other passages of the reference affirmatively make clear that the information that is sent to the recipient telephone number by the central switch 10 in Tate is not in the format of a telephone number. Specifically, Tate identifies three types of information sent to the recipient telephone number:

- telephone ring cadence that indicates the warning (9:33-60)
- natural or synthesized announcement (9:61-10:8)
- alphanumeric text sent using enhanced caller ID (10:15-36)

While the third of the above types of information—like the present invention—uses the caller-ID feature, it expressly does *not* use that feature to send a message having the format of a

telephone number. Rather, this variant of Tate would, e.g., send the alphanumeric text “hurricane warning.” In an embodiment according to the present invention, the message code, e.g., “(555) 555-0002” would be sent to the recipient telephone number, which would then decode that message code to display the text “hurricane warning.” In this way even complex and lengthy messages or warnings can be presented to people at the location of the recipient telephone number by merely sending a (simulated), standard ten-digit telephone number using the caller ID communications system.

Third, contrary to the Examiner's statement at the top of page 4 of the present action, Tate does not disclose the feature of claim 1 of setting up to a recipient telephone number “a non-associated telephone call . . . from a simulated calling party having the same number as the message code.” As noted at pages 1-2 of the previous Response, the term “non-associated telephone call” is expressly defined in the present specification. There is nothing in Tate that discloses simulation of any aspect of a telephone call. Rather, in Tate, an actual telephone call is made from the 911-provider 30 to the central switch 10. (8:8-40.) As noted, the actual telephone number (and perhaps a PIN) is used to verify that the 911-provider is authentic and authorized. (8:23-40.) If so, then the alarm-message (of unstated format) from the 911-provider is accepted by the central switch 10. (8:8-40.) The central switch then selects the relevant subscribers to receive the message, and sends the message to them. (8:41-53.)

At no point in this process is anything simulated. While true that no call is provisioned from the 911-provider to the subscriber in Tate, there is no simulated calling party. Nor is there

Applicant : David J. Luneau et al.
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Page : 4 of 4

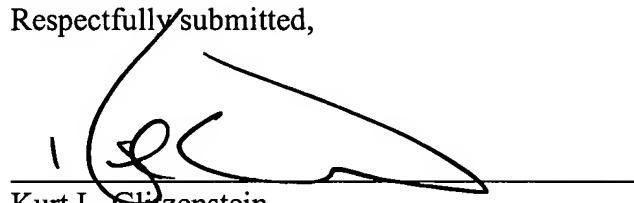
Attorney's Docket No.: 10200-010001

a simulated telephone call. In accordance with the express definition provided in the specification, there is therefore no "non-associated telephone" call set up in Tate.

For the foregoing reasons, Applicants submit that all pending claims of the present application are patentable, which action is requested.

Submitted herewith is a Petition for Extension of Time, together with a check for the appropriate fee. Please apply any other applicable charges, or make any applicable credits, to deposit account 06-1050, reference 10200-010001.

Respectfully submitted,


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